



Virginia  
Regulatory  
Town Hall

## Notice of Intended Regulatory Action Agency Background Document

<b>Agency Name:</b>	Virginia Department of Social Services
<b>VAC Chapter Number:</b>	22 VAC 40-685
<b>Regulation Title:</b>	Virginia Energy Assistance Program
<b>Action Title:</b>	Establish Home Energy Assistance Program
<b>Date:</b>	April 17, 2002

This information is required prior to the submission to the Registrar of Regulations of a Notice of Intended Regulatory Action (NOIRA) pursuant to the Administrative Process Act § 9-6.14:7.1 (B). Please refer to Executive Order Twenty-Five (98) and Executive Order Fifty-Eight (99) for more information.

### Purpose

*Please describe the subject matter and intent of the planned regulation. This description should include a brief explanation of the need for and the goals of the new or amended regulation.*

*The goal of the Home Energy Assistance Program is to assist low-income Virginians in meeting their residential energy needs and to support the efforts of public agencies, private utility service providers, and charitable and community groups seeking to assist low-income Virginians in meeting their residential energy needs.*

The purpose of this action is to promulgate a permanent regulation to replace the emergency regulation that established the Home Energy Assistance Program and the Home Energy Assistance Fund, HB 2473, enacted by the 2001 Virginia General Assembly.

### Basis

*Please identify the state and/or federal source of legal authority to promulgate the contemplated regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. The correlation between the proposed regulatory action and the legal authority identified above should be explained. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided.*

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Pursuant to §63.1-25 of the Code of Virginia (<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+63.1-25>), the State Board of Social Services has authority to promulgate rules and regulations necessary for operation of all assistance programs. The Home Energy Assistance Program is mandated Virginia statutory law, HB 2473, enacted by the 2001 Virginia General Assembly.

### Substance

*Please detail any changes that would be implemented: this discussion should include a summary of the proposed regulatory action where a new regulation is being promulgated; where existing provisions of a regulation are being amended, the statement should explain how the existing regulation will be changed. The statement should set forth the specific reasons the agency has determined that the proposed regulatory action would be essential to protect the health, safety or welfare of citizens. In addition, a statement delineating any potential issues that may need to be addressed as the regulation is developed shall be supplied.*

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The planned regulation establishes the Home Energy Assistance Program and the Home Energy Assistance Fund; authorizes the Department of Social Services to receive and disburse monies from the Fund; provides a financial resource for low-income families having difficulty meeting their home energy costs; and provides an opportunity for coordinated efforts between public agencies, private utility service providers, and charitable and community groups seeking to assist low-income families with their home energy needs.

### Alternatives

*Please describe, to the extent known, the specific alternatives to the proposal that have been considered or will be considered to meet the essential purpose of the action.*

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There are no alternatives. This regulatory action is required by 63.1-341 Code of Virginia.

### Family Impact Statement

*Please provide a preliminary analysis of the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.*

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The planned regulation has a positive impact on the family. It encourages economic self-sufficiency and possibly increases disposable family income by assisting families with unexpected increases in home energy bills, and supports commitment to healthy children and elderly persons by offering a means of protection from negative actions by energy creditors. This regulation will not impact the authority and rights of parents or marital commitment.